



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

924 BAIL APPLICATION NO.1103 OF 2024

SANDIP MURLIDHAR HANDE
VERSUS
THE STATE OF MAHARASHTRA

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Mr. Joyeb I. Shaikh, Advocate for Applicant

Mr. V. M. Jaware, APP for Respondent-State.

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CORAM : SANJAY A. DESHMUKH, J.

DATE : 20 AUGUST, 2025

PC.:-

1. Heard learned Advocates for both the sides.
2. Learned Advocate for the Applicant submits that prosecution is not proceeding with the trial as per the directions of this Court. He pointed out the Roznama dated 12th December 2023 and 19th December 2023. This Court has gone through the Roznama. The Roznama shows that the Accused are not produced for the hearing of the trial regularly. The Trial Court is, therefore, expected to secure the presence of the Accused by holding the meeting with the jail authority and the concerned police station which provides escorts from 19th July 2021 till 29th April 2023 and, thereafter, also many times, the Accused are not produced.
3. If the Accused are not produced regularly, learned Trial Court shall fix the hearing of the matter atleast twice in a week by

keeping in the mind that the special meaning of the word “Sessions Trial”.

4. Needless to mention that Sessions Trial means, once it is started, it shall not be stopped until its decision. As per the report of the Sessions Court dated 17th July 2025, 36 witnesses are examined. The evidence of more than 42 witnesses must have been recorded. Learned Advocate for the Applicant also submitted that number of investigating officers are more than 6 or 7 and they are not responding to the witness summons of the Court.

5. Considering all these aspects, the Trial Court is expected to call the witnesses and record their evidence, if possible through V.C. Sometime it is not possible to record the evidence of witnesses like investigating officers by confronting them certain documents for exhibiting them, those investigating officers shall be called personally. If the investigating officers are not responding to the witness summons, then BW or NBW can also be issued against them.

6. Considering all these aspects, the learned Additional Sessions Judge, Shrirampur is directed to conduct the case, as the Sessions Case has stated above and proceeded with the trial and decided as expeditiously as possible and in any case within six months from today.

7. For that purpose, the Trial Court is expected to keep the date twice or thrice in a week and conclude the trial accordingly.

8. The Trial Court is further directed not to grant adjournments if it is prayed on behalf of either the prosecution or the defence unless there is extreme urgency or reasonable ground. If the accused are not produced, the Trial Court may call the jail authority and escort party and warn them by passing an order accordingly by giving one opportunity to them to produce the accused, under trial prisoners continuously. If it is not followed then the Trial Court may proceed against these authorities for not following the order of the legal authority of public servant as per the (applicable) provisions of Chapter X of the Indian Penal Code 1860 i.e. Chapter XIII of the Bharatiya Nyaya Sanhita, 2023.

9. If any accused is released on bail in the said trial is not appearing, then the Trial Court may proceed to cancel their bail. If the advocates for accused or the public prosecutor are not cooperating the Court for conducting the trial as expeditiously as possible, the Trial Court may impose heavy costs on the concerned accused.

10. The Trial Court to note that Hon'ble Supreme Court and High Court has directed in many cases that delayed trial is ground to grant bail.

11. If it is noticed that the Court is not proceeding with the trial as per directions of this Court, the Applicant is at liberty to file fresh application for granting bail.

12. Learned Advocate for the Applicant is directed to submit copy of this order before the learned Trial Court.

13. Application is disposed of.

(SANJAY A. DESHMUKH, J.)

Tauseef